IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9940 of 2005

Between:

Uppara Naga Raju S/o.Lingappa
R/o.Kariganipalli Village, Kundurpi (M) Ananthapur District.

..... PETITIONER

AND

1 The Revenue Divisional Officer Dharmavaram, Ananthapur district.
2 The Mandal Revenue Officer, Kundurpi Mandal, Kundurpi, Ananthapur District.
3 Uppa Rudranna Don Dubbani Anjinappa
Ro. Kariganipalli (V) Kundurpi (M) Ananthapur District.
4 Uppara Thippeswamy S/o.Dubbabi Anjinappa
Ro. Kariganipalli (V) Kundurpi (M) Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ ,order or direction more particularly one in the nature of writ of Mandamus or any other appropriate writ, declaring the proceedings in Rc No.1219/2004 (B) dt.23.9.2004 of the 1st respondent as illegal, arbitrary, inviolation of Board Standing Orders and inviolation of Art.14 and 21 of the Constitution of India and consequentially direct the 2ndrespondent to protect the petitioners possession and enjoyment of the land in S.No.361-I of an extent of Ac 1-35 cents and S.No.361-2 of an extent of Ac 1-90 cents of kariganipalli Village, Kundurpi Mandal, Ananthapur District, pending disposal of the appeal before the 1st respondent.

Counsel for the Petitioner:MR.S.D.GOWD

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

Counsel for the Respondent Nos. 3 and 4 :

The Court, at the stage of admission, made the following :

ORDER:

The petitioner claims that the lands to an extent of Ac.1.35 cents and Ac.1.90 cents situated in Sy.No.361/1 and 361/2 respectively of Kariganipalli Village, Kundurpi Mandal, Ananthapur District were assigned in favour of his forefathers long back and that he has been in possession and enjoyment of the same. It is alleged that the second respondent has erroneously assigned the very same lands in favour of the respondents 3 and 4 vide proceedings dated 20-11-1980. Against the order dated 20-11-1980, he preferred an Appeal before the first respondent along with an application for stay of the operation of the said order dated 20-11-19890. The first respondent – Revenue Divisional Officer by order dated 23-09-2004 rejected the request of the petitioner for stay. The said order is under challenge in this writ petition.

Having heard learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents and keeping in view the fact that the impugned order is merely an interim order pending the statutory appeal, I do not see any justifiable reason to interfere with the same in exercise of jurisdiction under Article 226 of the Constitution of India. However, having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with a direction to the 1st respondent - Revenue Divisional Officer to dispose of the appeal pending on his file after affording due opportunity to the writ petitioner as well as the respondents 3 and 4 and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order.

The writ petition is accordingly disposed of. No costs.

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27.04.2005

Note: Furnish C.C., in one week.

(B/O)

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To

1 The Revenue Divisional Officer Dharmavaram, Ananthapur district.
2 The Mandal Revenue Officer, Kundurpi Mandal, Kundurpi, Ananthapur District.
3 Two C.Cs to the G.P., for Revenue, High Court Buildings, Hyderabad (OUT).

4 2 CD copies